

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ARISTA RECORDS LLC, ATLANTIC
RECORDING CORPORATION, CAPITOL
RECORDS, LLC, ELEKTRA ENTERTAINMENT
GROUP INC., LAFACE RECORDS LLC, SONY
MUSIC ENTERTAINMENT, UMG RECORDINGS,
INC., WARNER BROS. RECORDS INC.,
WARNER MUSIC GROUP CORP., and
ZOMBA RECORDING LLC,

Plaintiffs,

v.

VITA TKACH, and DOES 1-10, D/B/A
GROOVESHARK.IO and GROOVESHARK.PW,

Defendants.

CIVIL ACTION NO. _____

**DECLARATION OF WADE
LEAK IN SUPPORT OF *EX
PARTE* APPLICATION FOR A
TEMPORARY RESTRAINING
ORDER, SEIZURE ORDER,
AND ORDER TO SHOW
CAUSE FOR PRELIMINARY
INJUNCTION**

**[FILED UNDER SEAL
PURSUANT TO 15 USC § 1116]**

I, Wade Leak, hereby declare as follows:

1. I am employed by Sony Music Entertainment as Deputy General Counsel, US. In that role, I have possession, custody, and/or control of the business records of Plaintiffs Arista Music, Arista Records LLC, LaFace Records LLC, Sony Music Entertainment, and Zomba Recording LLC (collectively the “Sony Music Plaintiffs”). I have personal knowledge of the following facts and, if called upon as a witness, would testify as to the following:

2. My responsibilities for each of the Sony Music Plaintiffs include, among others, supervising litigation and handling litigation-related matters. I am knowledgeable about the Sony Music Plaintiffs’ copyright registrations and licensing practices and am familiar with the Sony Music Plaintiffs’ business relationships.

3. The Sony Music Plaintiffs are engaged in the creation, distribution, marketing, and/or sale of sound recordings, and are headquartered in New York, New York. In connection

with this business, the Sony Music Plaintiffs have acquired exclusive rights under copyright to various sound recordings. The Sony Music Plaintiffs have acquired these rights either through recording contracts with artists or through other types of agreements, such as exclusive licensing or joint venture agreements with the original copyright claimants, or by virtue of being the successor-in-interest to the original copyright claimants. The underlying business records reflecting the Sony Music Plaintiff's ownership of the sound recordings at issue in this action are maintained by the Sony Music Plaintiffs in the ordinary course of business.

4. Attached hereto as Exhibit A is a spreadsheet showing the infringing recordings available on the Grooveshark.io website which are at issue in this action and for which the Sony Music Plaintiffs either own the copyrights in the sound recordings, had exclusive rights under copyright (*e.g.*, reproduction and/or distribution rights) during the time period relevant to this litigation, or is the successor-in-interest to an entity that held such rights. These recordings are listed in Exhibit A to the Complaint filed in this action.

5. The Sony Music Plaintiffs have *never* authorized Defendants to distribute, perform, reproduce, or otherwise exploit any of the sound recordings listed in Exhibit A via the Grooveshark.io Website or otherwise.

6. Defendants' unlicensed streaming and viral distribution of the Sony Plaintiffs' copyrighted sound recordings is causing irreparable harm to the Sony Plaintiffs. The Sony Plaintiffs' business model is dependent upon the licensing of their music catalogue to legitimate streaming services. If customers can instead download and stream the Sony Plaintiffs' catalogue for free and without restriction from the Counterfeit Service, customers will have little incentive to purchase music or pay for the streaming services on which the Sony Plaintiffs' businesses rely. As a result, the Counterfeit Service will depress the Sony Plaintiffs' ability to charge a fair

market rate for its music, since all of its licensees will have to compete with a service that pays no license fees.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 11, 2015

A handwritten signature in blue ink, appearing to read "Wade Leak", is written over a horizontal line.

Wade Leak